

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TRAVIS JAMES, STEFANIE SHEEHAN,
KIMBERLY GAMBOA, and KOREY
WILLIAMS, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

DAVACO, INC., and DAVACO LP,

Defendants.

Case No. 3:21-cv-02318-M

**PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND INCORPORATED MEMORANDUM OF LAW**

Plaintiffs Travis James, Stefanie Sheehan, Kimberly Gamboa and Korey Williams, individually and behalf of others similarly situated (“Plaintiffs”) hereby move this Court for final approval of the class action settlement preliminarily approved by this Court on September 14, 2022. [ECF No. 42] Plaintiffs respectfully request that this Court:

- a. Grant final certification of the Settlement Classes for settlement purposes, appoint Plaintiffs Travis James, Stefanie Sheehan, Kimberly Gamboa and Korey Williams as Class Representatives and appoint Gayle M. Blatt of Casey Gerry Schenk Francavilla Blatt & Penfield, LLP, M. Anderson Berry of Clayeo C. Arnold, a Professional Law Corp.; Rachele D. Byrd of Wolf Haldenstein Adler Freeman & Herz and Joshua B. Swigart of Swigart Law Group as Class Counsel;
- b. Approve the requested attorneys’ fee in the amounts of \$180,000 and expenses in the amount of \$12,045.26, and Plaintiffs’ requested service awards in the amount of \$2,500 to each of the four representative Plaintiffs for a total of \$10,000;

- c. Find that the Notice met the requirements of due process and Federal Rule of Civil Procedure 23;
- d. Find that the terms of the Settlement Agreement fair, reasonable, and adequate and approved, adopted, and incorporated by the Court;
- e. Direct the Parties, their respective attorneys, and the Claims Administrator to consummate the Settlement in accordance with the Court Order and the terms of the Settlement Agreement, and;
- f. Resolve all claims against all parties in this Action and issue the Proposed Final Approval Order.

This Motion is based on the accompanying Supporting Memorandum; the Declaration of Steven Weisbrot of Angeion Group, LLC (“Angeion”) in Support of Final Approval; the Joint Declaration of Gayle M. Blatt and Rachele R. Byrd in Support of Plaintiffs’ Motion for Final Approval of Class Action Settlement; the Settlement Agreement entered into between the parties [ECF 38-1, Exh. 1, Att. 1] as well as the Notices issued to the Class [Exh. 2, Exhs. B and C]; Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, Supporting Memorandum, Supporting Declarations, and attachments [ECF 38]; and Plaintiffs’ Motion for Approval of Attorneys’ Fees, Expenses, and Service Awards and accompanying documents at [ECF 45]; all other pleadings and papers on file in this action and any oral argument that may be heard by this Court at or prior to the Final Approval Hearing currently scheduled for February 13, 2023.

Defendants do not oppose the relief sought in this motion.

Wherefore, premises considered, Plaintiffs request that this Court grant this motion and

grant the motion for attorneys' fees, costs, and service awards. ECF 42.

Date: December 30, 2022

Respectfully Submitted,

/s/ Rachele R. Byrd

Rachele R. Byrd (*Pro Hac Vice*)
byrd@whafh.com

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**
750 B Street, Suite 1820
San Diego, CA 92101
Tele: 619.239.4599; Fax: 619.234.4599

Gayle M. Blatt (*Pro Hac Vice*)
gmb@cglaw.com

**CASEY GERRY SCHENK FRANCILLA
BLATT & PENFIELD, LLP**
110 Laurel Street
San Diego, CA 92101
Tel: 619.238.1811; Fax: 619.544.9232

M. Anderson Berry (*Pro Hac Vice*)
aberry@justice4you.com

**CLAYEO C. ARNOLD,
A PROFESSIONAL LAW CORP.**
865 Howe Avenue
Sacramento, CA 95825
Tel: 916.239.4778; Fax: 916.924.1829

Joshua B. Swigart (*Pro Hac Vice*)
josh@swigartlawgroup.com
SWIGART LAW GROUP, APC
2221 Camino Del Rio S., Suite 308
San Diego, CA 92108
Tel: 866.219.3343; Fax: 866.219.8344

Balon B. Bradley (Bar No. 02821700)
balon@bbradleylaw.com
BALON B. BRADLEY LAW FIRM
11910 Greenville Ave., Suite 220
Dallas, TX 75243
Tel: 972.991.1582; Fax: 972.755.0424

Attorneys for Plaintiffs and the Class

CERTIFICATE OF CONFERENCE

On December 30, 2022, I conferred with attorney for Defendants, Adam A. Cooke, pursuant to Local Rule 7.1(b), who confirmed Defendants do not oppose this request consistent with the Parties' Settlement Agreement.

/s/ Gayle M. Blatt
Gayle M. Blatt¹
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record on December 30, 2022, via CM/ECF, in accordance with the Federal Rules of Civil Procedure.

/s/ Gayle M. Blatt
Gayle M. Blatt
Attorney for Plaintiffs

¹ Pursuant to L.R. 11.1, filer certifies that Gayle M. Blatt signed this document on December 30, 2022, and counsel will maintain the signed copy and provide upon request for inspection.